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BILLINGS DIV.

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PATRICK E. DUFFY, CLERK

BY _____
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

BILLINGS DIVISION

JOSEPH RICHARD WHITE,)	CV-06-82-BLG-RFC
)	
Plaintiff,)	
vs.)	
)	ORDER
YELLOWSTONE COUNTY, STATE)	
OF MONTANA, and the UNITED STATES,)	
)	
Defendants.)	
_____)	

On July 5, 2007, United States Magistrate Judge Carolyn Ostby entered her Findings and Recommendation. Magistrate Judge Ostby recommends that Plaintiff's Complaint be dismissed without prejudice and the case should be closed.

Upon service of a magistrate judge's findings and recommendation, Plaintiff was allowed 20 days to file written objections. 28 U.S.C. § 636(b)(1). In this matter, Plaintiff filed what appear to be objections on July 25, 2007. Plaintiff's objections are not well taken.

After a de novo review, the Court determines the Findings and Recommendation of

Magistrate Judge Ostby are well grounded in law and fact and HEREBY ORDERS they be adopted in their entirety.

Plaintiff's Complaint violates Rule 8(a) and Rule 10(b) of the Federal Rules of Civil Procedure. The Court must guess who is being sued and for what. The Court has advised Plaintiff of the deficiencies in his Complaint and allowed him an opportunity to amend his complaint, provided him a form, and instructed him to write more legibly or type his allegations. Plaintiff has refused to follow the Court's instructions. The Court cannot read Plaintiff's Complaint and other filings, yet Plaintiff refuses to utilize the Court's form for filing an amended complaint and refused to type his complaint or write in more legible handwriting. Additionally, Plaintiff's Complaint does not contain a short and plain statement of his claims for relief, it does not give Defendants a fair opportunity to frame a responsive pleading, and does not give the Court a clear statement of claims.

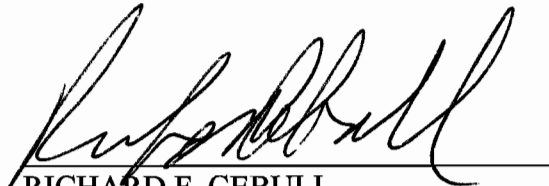
Accordingly, **IT IS HEREBY ORDERED** that Plaintiff's Complaint is **DISMISSED WITHOUT PREJUDICE**.

Plaintiff is notified that his filing of a Notice of Appeal was premature and ineffective under Fed.R.App.P. 4(a). *See Serine v. Peterson*, 989 F.2s 371, 372-73 (9th Cir. 1993) (order)(dismissing appeal for lack of jurisdiction where appellant's notice of appeal was filed after the magistrate's findings and recommendation were filed, but before the district court entered judgment, and appellant did not file a notice of appeal after final judgment was entered). If Plaintiff intends to appeal this decision to the Ninth Circuit Court of Appeals, he must file another notice of appeal.

If Plaintiff files a notice of appeal after his receipt of this Order, the clerk is directed, pursuant to Fed.R.App.P. 24(a)(4) to notify the Court of Appeals of this Court's certification that the appeal is not taken in good faith.

The Clerk of Court shall notify the parties of the making of this Order and close this case accordingly.

DATED this 25 day of July, 2007.


RICHARD F. CEBULL
UNITED STATES DISTRICT JUDGE